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April 20, 2022

BY ECF

The Honorable William F. Kuntz II
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Vans, Inc. and VF Outdoor, LLC v. MSCHF Product Studio, Inc.*, 22-cv-02156-WFK-RML

Dear Judge Kuntz:

This firm is counsel to Defendant, MSCHF Product Studio, Inc. in the above-referenced matter. I write to request relief from the Court's April 20, 2022 5pm Eastern deadline to file supplemental papers in opposition to Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction.

Defendant's supplemental memorandum of law in opposition to Plaintiffs' motion for a temporary restraining order and preliminary injunction (Dkt. 21) was filed by the Court's 5pm Eastern deadline. However, we encountered delays and system error messages while attempting to file two related documents using the ECF system. Due to these issues, Gabriel Whaley's declaration in support of Defendant's supplemental memorandum of law (Dkt. 22) and Kenneth Anand's expert declaration in support of Defendant's supplemental memorandum of law (Dkt. 23) were each filed at 5:28pm. Exhibits 1 and 2 to Mr. Whaley's declaration were physically delivered to the Court and filed with the Court's clerk in a timely fashion, at 3:07pm.

We take seriously our obligation to meet the Court's deadlines, and apologize for the delayed filings. We submit that Plaintiffs were not prejudiced by our late filings. Plaintiffs received timely service of Defendant's supplemental memorandum of law, and received the two supporting declarations 28 minutes after the filing deadline.

We apologize again for missing the Court's deadline. We ask that the Court accept Gabriel Whaley and Kenneth Anand's declarations in support of Defendant's supplemental memorandum of law in opposition to Plaintiffs' motion for a temporary restraining order and preliminary injunction, for consideration and resolve Plaintiffs' motion on its merits and a full record.

If I may provide any further information or any questions, please let me know.

Respectfully submitted,

/s/ David H. Bernstein

David H. Bernstein

cc: Counsel of record for Plaintiffs Vans, Inc. and VF Outdoor, LLC via ECF